

# SB0045



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0045

Introduced 1/15/2015, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Uniform Interstate Depositions and Discovery Act. Provides procedures for the issuance of a subpoena to require deposition testimony or discovery production in this State in connection with litigation pending in a foreign jurisdiction. Defines terms. Provides that Illinois Supreme Court rules and the Section of the Code of Civil Procedure concerning subpoenas apply to subpoenas issued under the new provisions. Provides that in applying and construing the Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. Provides that the Act is applicable to cases pending on the effective date.

LRB099 00241 HEP 20246 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Uniform Interstate Depositions and Discovery Act.

6 Section 2. Definitions. In this Act:

7 (1) "Foreign jurisdiction" means a state other than this  
8 State.

9 (2) "Foreign subpoena" means a subpoena issued under  
10 authority of a court of record of a foreign jurisdiction.

11 (3) "Person" means an individual, corporation, business  
12 trust, estate, trust, partnership, limited liability company,  
13 association, joint venture, public corporation, government, or  
14 governmental subdivision, agency or instrumentality, or any  
15 other legal or commercial entity.

16 (4) "State" means a state of the United States, the  
17 District of Columbia, Puerto Rico, the United States Virgin  
18 Islands, a federally recognized Indian tribe, or any territory  
19 or insular possession subject to the jurisdiction of the United  
20 States.

21 (5) "Subpoena" means a document, however denominated,  
22 issued under authority of a court of record requiring a person  
23 to:

- 1 (A) attend and give testimony at a deposition;
- 2 (B) produce and permit inspection and copying of  
3 designated books, documents, records, electronically  
4 stored information, or tangible things in the possession,  
5 custody, or control of the person; or
- 6 (C) permit inspection of premises under the control of  
7 the person.

8 Section 3. Issuance of subpoena.

9 (a) To request issuance of a subpoena under this Section, a  
10 party must submit a foreign subpoena to a clerk of court in the  
11 county in which discovery is sought to be conducted in this  
12 State. A request for the issuance of a subpoena under this Act  
13 does not constitute an appearance in the courts of this State.

14 (b) When a party submits a foreign subpoena to a clerk of  
15 court in this State, the clerk, in accordance with that court's  
16 procedure, shall promptly issue a subpoena for service upon the  
17 person to which the foreign subpoena is directed.

18 (c) A subpoena under subsection (b) must:

19 (A) incorporate the terms used in the foreign subpoena;  
20 and

21 (B) obtain or be accompanied by the names, addresses,  
22 and telephone numbers of all counsel of record in the  
23 proceeding to which the subpoena relates and of any party  
24 not represented by counsel.

1           Section 4. Service of subpoena. A subpoena issued by a  
2 clerk of court under Section 3 must be served in compliance  
3 with Illinois Supreme Court Rules 204 and 237 and Section  
4 2-1101 of the Code of Civil Procedure.

5           Section 5. Deposition, production, and inspection. With  
6 respect to depositions, production of documents or other  
7 tangible items, or inspections of premises, Illinois Supreme  
8 Court Rules 204 and 237 and Section 2-1101 of the Code of Civil  
9 Procedure apply to subpoenas issued under Section 3.

10          Section 6. Application to court. An application to the  
11 court for a protective order or to enforce, quash, or modify a  
12 subpoena issued by a clerk of court under Section 3 must comply  
13 with the rules or statutes of this State and be submitted to  
14 the court in the county in which discovery is to be conducted.

15          Section 7. Uniformity of application and construction. In  
16 applying and construing this uniform Act, consideration must be  
17 given to the need to promote uniformity of the law with respect  
18 to its subject matter among states that enact it.

19          Section 8. Application to pending actions. This Act applies  
20 to requests for discovery in cases pending on the effective  
21 date of this Act.

1 Section 9. (Blank).